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PAGE 01 USUN N 02154 202243Z
ACTION IO-16

INFO	LOG-00	AF-01	AID-01	AMAD-01	ARA-01	CIAE-00	C-01
	OASY-00	DODE-00	EAP-01	EB-01	EUR-01	HA-09	H-01
	TEDE-00	INR-00	L-01	ADS-00	NEA-01	NSAE-00	NSCE-00
	OIC-02	PA-01	PRS-01	P-01	SP-00	SR-00	SS-00
	STR-01	TRSE-00	USIE-00	SA-01	RPE-01	/044W	
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O 202227Z MAY 94
FM USMISSION USUN NEW YORK
TO SECSTATE WASHDC IMMEDIATE 6600
INFO USMISSION GENEVA IMMEDIATE
AMEMBASSY KINSHASA
AMEMBASSY KAMPALA
AMEMBASSY DAR ES SALAAM
AMEMBASSY CAIRO
AMEMBASSY ADDIS ABABA
HUMAN COLLECTIVE
AMEMBASSY BUJUMBURA

C O N F I D E N T I A L USUN NEW YORK 002154

DEPT PLS PASS TO NSC FOR AMBASSADOR SCHIFTER

E.O. 12356: DECL 12/31/94
TAGS: PHUM, UNHRC-1, RW
SUBJECT: UN HUMAN RIGHTS COMMISSION SPECIAL SESSION:
ELEMENTS FOR A RESOLUTION

CONFIDENTIAL

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PAGE 02 USUN N 02154 202243Z
REF: A) GENEVA 4646; B) GENEVA 4679; C) STATE 128805

1. CONFIDENTIAL -- ENTIRE TEXT.
2. USUN HAS READ WITH GREAT INTEREST GENEVA'S EXCELLENT REPORTING ON THE UNHRC SPECIAL SESSION ON RWANDA. WE AGREE WITH GENEVA'S GENERALLY POSITIVE ASSESSMENT OF THE PROGRESS TOWARD A DRAFT RESOLUTION FOR ADOPTION BY THE SESSION. IN THIS MESSAGE WE COMMENT ON SEVERAL ELEMENTS OF THE PROPOSED RESOLUTION CONTAINED IN REF A.

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3. COMMENTS ARE KEYED TO CANADIAN-CAMEROONIAN-NIGERIAN ELEMENTS AS NUMBERED IN REF A.

(5) USUN RECOMMENDS THE ADDITION OF: "AND URGES THAT CONSIDERATION BE GIVEN TO ESTABLISHMENT OF A SIGNIFICANT HUMAN RIGHTS COMPONENT IN CONSULTATION WITH THE HIGH COMMISSIONER FOR HUMAN RIGHTS IN ANY FURTHER UNITED NATIONS ACTIVITY IN RWANDA."

(7) THIS ELEMENT IS VERY IMPORTANT, ESPECIALLY IN LIGHT OF ATTEMPTS BY CUBA ET AL TO DESCRIBE INVOLVEMENT OF MORE THAN ONE MECHANISM AS DUPLICATION OF EFFORT TO BE ELIMINATED AS PART OF "STREAMLINING" HUMAN RIGHTS MECHANISMS. USUN RECOMMENDS STRONG RESISTANCE TO EFFORTS TO DELETE IT.

(8) AND (18) USUN BELIEVES THAT FINAL LANGUAGE ARISING FROM THESE ELEMENTS SHOULD NOT INVADE SC PREROGATIVES AND REQUESTS THE DEPARTMENT TO CONSIDER THIS FACTOR CAREFULLY BEFORE APPROVING THE DRAFT RESOLUTION.

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PAGE 03 USUN N 02154 202243Z

(9) USUN RECOMMENDS THAT THE HUMANITARIAN EFFORT BE STRONGLY PRAISED, INCLUDING SPECIFIC MENTION OF UNHCR AND PVOS -- ALSO ICRC UNLESS ICRC WISHES TO AVOID REFERENCE BY NAME.

(13) "PROTECTION OF MINORITIES" DOES NOT CONFORM TO USG POLICY ON REFERRING TO MEMBERS OF MINORITIES. ALSO, PARTIES IN RWANDA DO NOT ACCEPT THIS TERM.

4. IN ADDITION, IF USUN RECOMMENDATION REGARDING ELEMENT (5) ABOVE IS DEEMED UNACCEPTABLE, USUN SUGGESTS AS AN ALTERNATIVE THAT USDEL ATTEMPT TO GAIN INCLUSION OF A FURTHER ELEMENT AIMING AT ESTABLISHING A SPECIFIC ROLE FOR THE HIGH COMMISSIONER FOR HUMAN RIGHTS IN FURTHER SECURITY COUNCIL EFFORTS IN SO FAR AS THEY DEAL WITH HUMAN RIGHTS. SUGGESTED LANGUAGE: "RECOMMENDS THAT THE SYG, WHEN REPORTING TO THE SECURITY COUNCIL ON THE SITUATION IN RWANDA, TAKE INTO ACCOUNT THE REPORTING, EXPERIENCE, ACTIVITIES AND CAPABILITIES OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS, THE CENTER OF HUMAN RIGHTS, AND THE HUMAN RIGHTS MECHANISMS OF THE COMMISSION ON HUMAN RIGHTS, WHEN RECOMMENDING ACTION BY THE COUNCIL." (LOOSELY ADAPTED FROM VDPA PARA 97)

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5. ANOTHER REFERENCE TO THE SC COULD RECALL SC RES 918, IE., "RECALLING THE REQUEST OF THE SC TO THE SYG TO MAKE PROPOSALS FOR THE INVESTIGATION OF REPORTS OF SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW DURING THE CONFLICT AND TO PRESENT A REPORT TO THE COUNCIL AS SOON AS POSSIBLE ON HIS FINDINGS ABOUT SUCH VIOLATIONS." N.B: THIS IS PART COMPRESSION PART PARAPHRASE OF TWO DIFFERENT
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PAGE 04 USUN N 02154 202243Z
PARAGRAPHS FROM SC 918.

6. FINALLY, WITH REFERENCE TO GENOCIDE, SPECIFICALLY PARA 15 OF REF C, WHILE WE APPRECIATE THE DIFFICULTIES IN MAKING A DETERMINATION WHETHER OR NOT GENOCIDE SHOULD BE DECLARED TO HAVE TAKEN PLACE IN RWANDA, WE BELIEVE THAT SUCH A DETERMINATION IS APPROPRIATE. THE DREADFUL MASSACRES IN RWANDA AND THE INCITEMENT TO KILL TUTSIS ARE CONSISTENT WITH THE DEFINITION OF GENOCIDE AS ELABORATED IN ARTICLE II OF THE CONVENTION. IF THE VIABILITY OF THE GENOCIDE CONVENTION IS EVER TO BE TESTED, NOW IS THE TIME TO DO SO. ALBRIGHT

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